

August 30.

ereign right, say, "I, Captain John Smith, am going to bring foreigners into the territory of Great Britain; Great Britain has allowed me to come and, in allowing me to come, it has allowed my vessel to come, and, in allowing my vessel to come, it has allowed anybody I choose to put on my vessel."

And so, the United States, by that free and obvious train of reasoning, are apparently able to bring foreigners into a country which desires to exclude them and which has never given them permission to enter. Counsel did not want in the least to speak disrespectfully of the question, but he really could not conceive how, as a matter of international law, it would be possible for this Tribunal to say affirmatively that the inhabitants of the United States while exercising its liberties have a right to employ foreigners.

Concerning the claim of the United States that foreigners were employed in the fisheries at the time the treaty was made, Mr. Robson said it was directly opposed to not only the statutes about the whole policy of Great Britain. At that time the United States was not feared as a naval power; that is to say; it was a new power, and there was no anticipation that it would be likely to start upon the costly task of maintaining a great navy; because unless you have a great navy, no other is much use. So we did not anticipate that there would be any danger likely to arise to us by allowing this privilege to this young state, or to the inhabitants of this young state, and not to anybody else. There was no suggestion of any evidence that they might take foreigners.

Taking France as an example, counsel claimed that if the United States claim was correct, France could have trained men for her navy at the time when her direct commerce was swept from the sea by securing them employment on American fishing vessels.

Counsel Admits Inhabitants May Not Be Citizens.

Anyhow he was sure that, without very clear evidence, the Tribunal would not accept that assertion that foreigners were employed, so as to give any reason to the American inhabitants to suppose that they would be allowed to go on employing them. The only relevance of the suggestion that foreigners were then employed would be that it was part of the existing conditions surrounding the grant, which might give rise to a reasonable expectation on the part of the grantee that he would be permitted to go on employing foreigners. He never did employ them, and he never would have been allowed to go on.

It was not a great ship fishery. Of course it was a ship fishery to the extent that you had to go in ships, and you had to have ships of sufficient size to make that long journey and carry an adequate cargo; but there was no question of the Gloucester men at that time employing Scandinavians and Poles. They were not there.

Judge Gray.—An alien can be an inhabitant, can he not, Sir William?

The Attorney General.—Oh, certainly.

Judge Gray.—There is some significance in the use of the word "inhabitants," then, as distinguished from "citizen" or "subject"?

The Attorney General.—Certainly. That, again, shows the spirit in which the grant was made. We do not make any inquiry into citizenship, which is a matter somewhat difficult of proof. We inquire only into inhabitancy.

Then, it would have been very difficult to say "citizen" of the United States. It would have been a rather unkindly limitation on the right, because there were many then in the colony of Massachusetts who might not have taken citizenship of the United States. I do not know how that would be. But Mr. Justice Gray will no doubt remember the long controversy and difficulty there was with regard to the subjects who retained their allegiance. They were to be allowed to leave the severed colonies, that is to say, the United States, and take up their abode under the flag of Great Britain, within a certain time, if they thought fit. But there would be many, no doubt, who would remain, and be allowed to remain, because they were among old friends, although they had not become citizens of the United States. And there was certainly no desire on the part of England to deprive them of the right.

August 31.

NINE VESSELS AT BOSTON.

Prices Show Slight Advance from Yesterday.

Receipts of fish at Boston today are rather light in comparison with those of yesterday, the arrivals comprising only nine vessels and none of them have large fares. Prices have an upward tendency and on some varieties a sharp advance is noticeable. Cod show a further increase in price, and swordfish is quoted two cents higher and haddock one cent.

It looks now as if prices would advance all along the line.

As there were no vessels from Boston yesterday it now seems that the receipts were all absorbed there.

The fares and prices in detail are:

Boston Arrivals.

Sch. Teresa and Alice, 30,000 haddock, 1000 cod, 3000 hake.
Sch. Mary E. Silveira, 4000 haddock, 2000 cod, 2000 hake.
Sch. Rose Dorothea, 15,000 haddock, 7000 cod, 2000 hake.
Sch. Emerald, 5000 cod, 6000 pollock.
Sch. Ignatius Enos, 2000 cod, 2000 pollock.
Sch. W. H. Reed, 12,000 pollock.
Sch. Geraldine, 2000 cod, 6000 pollock, 1 swordfish.
Sch. Olivia Sears, 1000 hake, 7000 pollock.
Sch. Active, 500 haddock, 500 cod, 12,000 pollock.
Sch. Belbina P. Domingoes, 40,000 haddock, 22,000 cod, 5000 pollock.
Haddock, \$1.70 to \$2.50 per cwt.; large cod, \$4 to \$5; market cod, \$2.50 to \$2.75; hake, \$2.35 to \$2.50; pollock, \$2.25 to \$2.50; swordfish, 17 cts.

EUROPEAN FISHERY METHODS.

Valuable Ideas Secured by Commissioner Bowers on Trip Abroad.

Valuable ideas concerning fishery methods were obtained in Europe by United States Fish Commissioner Bowers, who has just returned from abroad. Mr. Bowers is a Maine man, although he has been a resident of West Virginia for many years.

"I visited England, France, Belgium and other countries," said Mr. Bowers recently. "I inspected the fish markets of various cities and found their methods most interesting. One thing in which they excel America is the method of handling fresh water fish. They are kept in water and sold alive so that it is possible for the purchaser to select a fish or eel that is swimming about and have it killed and dressed immediately. Eels are very popular among the people of Europe."

"I found no fish that excels our American fish as game or food. By the aid of French cooking, however, European fish sometimes tastes better to the epicure."

"I believe the European fish known as sole would be a good thing to import and shall recommend that we try to propagate it in this country."

"I visited Hull and Grimsby. The latter is to Great Britain what Gloucester is to American fisheries, the chief center of the industry."

SHARKS EXTRA RAVENOUS.

Fishermen Badly Bothered in South Channel.

Every captain who had been fishing on the Channel grounds had hard words for sharks that have appeared there. Not one of the vessels appears to have escaped their ravages, and new lines and packages of hooks were the principal part of the loads the supply wagons deposited at the sides of the vessels at T wharf yesterday.

There is not one among the captains who has not had experience with sharks before, but they all agree that they have never before met with sharks so daring. They would come in numbers to the side of the vessels, when the men were dressing the fish that had been taken from the lines, and fight among themselves for the refuse that was thrown overboard. So careless were they of the presence of the men on board that the latter time and again jabbed the fighting sharks with oars and occasionally hit one hard enough to stun it, and as soon as it rolled over the other sharks would attack it and tear it in pieces.

August 31.

93

FISH HERE IN BETTER RECEIPT.

Several Good Fares Arrived Since Yesterday.

Receipts of fresh and salt fish at this port show an improvement as a few good trips have come forward since yesterday. Among them is the new sch. Elsie from dory handlining, with the banner fare of the season, 325,000 pounds of salt cod.

Sch. Ellen C. Burke, one of the mackerel seiners which changed to shacking is also in with 100,000 pounds of fresh mixed fish. Sch. Pythian for a small craft has a good fare 75,000 pounds of fresh and salt fish, while sch. Carrie C., from Western Bank, has 45,000 pounds of salt fish and sch. Robert and Carr 30,000 pounds of fresh fish, making a total of about 600,000 pounds.

The shore boats continue to find fish a scarcity and they have also been bothered about bait which has been rather scarce for some time.

Today's arrivals and receipts in detail are:

Today's Arrivals and Receipts.

Sch. Elsie, St. Peter's Bank, 325,000 lbs. salt cod.
Sch. Ellen C. Burke, Western Bank, 100,000 lbs. fresh mixed fish.
Sch. Carrie C., Western Bank, 45,000 lbs. salt cod.
Sch. Pythian, Western Bank, 60,000 lbs. fresh fish, 15,000 lbs. salt fish, 3000 lbs. halibut.
Sch. Robert and Carr, shore, 30,000 lbs. fresh fish.
Sch. Emily Sears, via Boston.

Vessels Sailed.

Sch. Massasoit, shore.
Sch. N. A. Rowe, shore.
Sch. Norma, dory handlining.
Sch. Good Luck, drifting.

Today's Fish Market.

Handline Georges cod, large, \$4 per cwt.; medium, \$3.50.
Trawl Georges cod, large, \$3.75 per cwt.; medium, \$3.25.
Trawl bank cod, large, \$3.35 per cwt.; medium, \$3.
Drift Georges cod, large, \$3.75 per cwt.; medium, \$3.50.
Outside sales of Bank cod, \$3.75 for large and \$3.50 for medium.
Salt cusk, large, \$2.50 per cwt.; medium, \$2.
Salt haddock, \$1.25 per cwt.
Salt hake, \$1.25 per cwt.
Salt pollock, \$1.25 per cwt.
Dory handline cod, large, \$3.75 per cwt.; medium, \$3.50.
Splitting prices for fresh fish:
Western cod, large, \$2.25 per cwt.; medium, \$1.75.
Eastern cod, large, \$1.90 per cwt.; medium, \$1.55; snappers, 60 cts.
Western Bank cod, large, \$2.12 1-2 per cwt.; medium, \$1.65.
Cusk, large, \$1.60 per cwt.; medium, \$1.20; snappers, 50 cts.
Haddock, \$1.10 per cwt.; hake, \$1.10 per cwt.; dressed pollock, 75 cts. per cwt.; round pollock, 70 cts. per cwt.

August 31.

Passed Schools of Herring

While the traps at Provincetown have no bait, and the last vessels there have to take frozen bait, there seems to be plenty of bait herring in the bay. Capt. Frank Watts of the knockabout Gladys and Nellie reported this morning that when he was coming in yesterday, he passed large schools of herring between Minot's light and Race point and would have had no trouble in getting several baitings had he been going out at the time.

Fisherman Killed Shark.

John McDonough, a fisherman at Winthrop, killed a shark yesterday morning which he dragged to the beach. Mr. McDonough found the shark tangled in his net which he sets for hake, and attacked it with a boat-hook. After a long and severe struggle he stabbed it to death.

The shark is about eight feet long and has very formidable teeth about three-fourths of an inch long and very sharp.

August 31.

SHOULD TREAT TRADING AND FISHING VESSELS ALIKE.

Customs Regulations Necessary to Prevent Smuggling.

British Attorney General Defends Imposition of Light Dues.

In his closing argument in behalf of Great Britain in the fisheries arbitration before the Hague tribunal, Attorney General Robson considered questions three and four together, they being practically the same except that one applies to the treaty coast and the other to the non-treaty coast.

He said that when the right was given to the United States vessels to fish, it was given as a right to be exercised within the British jurisdiction, as it certainly was within the geographical jurisdiction. He asked what it involved, if the vessels were given the right to come into British waters and possess the privilege of doing that which is not permitted to trading vessels.

If a trading vessel was to come within the three mile limit and were to remain outside the port some distance from a custom house, not moving, not apparently seeking any destination, but just wandering about, the custom house officer would say, "We must have a report, what have you got on board?"

Rights Must Be Exercised in Accordance With Well Understood Laws.

The first condition of the exercise of any such right on the part of either a trading vessel or a fishing vessel, under a trading treaty or a fishing treaty, I do not think it matters which, is that the right must be exercised consistently with the known, contemplated, and well-understood laws of fiscal defense. It was certainly not intended when this treaty was made that there should be any kind of attack or injury upon the necessary customs laws of the British dominions. The customs laws, then, as now, are absolutely essential to the growth of a state. You cannot govern without revenue. You cannot collect revenue without in some degree resorting to customs duties; and you cannot get your customs duties without the observance of some perfectly well-known regulations. It may be said that in particular instances they are vexatious, because the fishing vessel does not want to come near a port, and yet may be compelled to go there. That is an inconvenience attaching to the exercise of the right, and nobody would say that they are superfluously imposed, or that they are deliberately or vexatiously devised. They are the ordinary duties and obligations that every vessel, under any treaty, must observe in exercising any right.

Supposing that under a treaty which gives a vessel the right to enter and unload its goods, it chooses to say: "We will not go into port at all to unload. There is nothing put in the treaty to say that we must go into the harbor, and we will unload in a creek." In such a case as that, I think everybody would admit that the state whose waters were being visited in that way would at once seize the vessel and condemn it, as acting in contravention of customs laws which everybody knows, and which everyone who enters into a trading treaty must be taken to submit.

Counsel said he could not see where there should be any other law in regard to fishing vessels than in regard to trading vessels. Of course there are differences in the situation. The fishing vessel is obliged to hover, to hang about, to go from one place to another moving slowly, using its nets.

But there are many ways in which the fishing vessel is peculiarly adapted for smuggling. It excites no suspicion by its hovering while a trading vessel would at once excite suspicion. So that the necessity for regulation which exists in the case of a trading vessel exists in a stronger degree in the case of every fishing vessel.

Payment of Light Dues Really a Payment for Services.

Taking up the question of payment of light dues, counsel argued that it was really a case of paying for services. The United States vessels have been paying them but they put the issue in here saying Great Britain has no right to demand payment, to impose such a burden. Of course it is contended that in case of Newfoundland we have shown a special degree of favor to their own fishermen because no burden is put upon them. But the reason is easily suggested. The Newfoundland fishermen pay towards the maintenance of the lighthouses as tax payers, and they are the persons who really have to build the lighthouses, and it seems a little hard that they should have to pay for the maintenance, to pay the same as foreigners for the maintenance of lighthouses which they have themselves builded.

So there is nothing unjust in saying, "We must put a commercial reasonable tax on the foreigner, whether he be commercial or whether he be a fishing vessel, and in consideration of your having built the lighthouses we will put a smaller tax on you or no tax at all." The question is whether, that is under all circumstances, an unjust discrimination. Of course there is no doubt as to the right to exact just and reasonable sums by way of payment for services. They may do it not only in regard to lighthouses but in order to make navigation secure.

Special Provision Against Smuggling On Non-Treaty Coast.

Take the question of smuggling. Here we have a case which like many contracts has expressly provided for one danger and yet has left another danger of the same sort to mere implication.

For instance, the treaty at the end of article one, after it gives the right of entry for the purposes of wood and water and distress, goes on to say that right must not be abused, and therefore the local jurisdiction expressly reserve the power to make any regulations to prevent its being abused. Obviously the local jurisdiction is reserving power to do something which the other side might perhaps consider unreasonable in relation to its right. Otherwise they would have scarcely troubled to have inserted the proviso, but of course the local jurisdiction must always, in making a grant of this kind, take care that it does not derogate from its grant, but can only make reasonable regulations.

But apparently the makers of the treaty thought with regard to entering these bays where the United States had no treaty rights, that perhaps it would be desirable that their regulations should take a wider range than where they had treaty rights. And so they expressly put in this stipulation. It is aimed at preventing their drying or curing fish or taking fish or any other purpose inconsistent with the objects of the treaty proviso, which of course would cover smuggling, and was perhaps mainly aimed at smuggling.

There is no such express provision with regard to the treaty coasts, but no one would pretend that you may not try to smuggle on the non-treaty coasts but may try to smuggle on the treaty coasts.

Proper Regulations Necessary to Prevent Customs Violations

It is not pretended that fishing vessels are entitled to smuggle. It is not denied, I should think, that fishing vessels may—I hope in rare instances—want to smuggle. Because fishermen are not in that respect any better than the rest of mankind; and smuggling is one of those things which derive less protection from the public conscience than almost any other kind of law. Persons of the most scrupulous character with regard to general obligations of a state, take a somewhat laxer view with regard to this particular class of restrictions upon their action. And there is no doubt that fishermen—I am not saying a word against them; far be it from me—I do not think they are worse than the upper classes generally in this respect.

Well, then, could one therefore deny for a moment that if there be no inspection, no restriction, no safeguard, there will be smuggling? Of course there will be. What goods do you think you would get through the custom house paying revenue if there were no custom house officers? Imagine the boats arriving at a port at a foreign country with no one to inspect the luggage or the things which are being brought into the country. Of course not a single penny would be collected, except from persons of such very rare and scrupulous and tender conscience as to almost excite some kind of suspicion as to their general intellectual capacity, if they made an account without any request I think we may take it for certain that there will be smuggling unless there are some adequate, though of course they must always be reasonable regulations.

That is all we ask for. We are not asking here to enforce the full range of revenue laws in every case against fishing vessels, although the danger from fishing vessels is greater. Yet on the other hand we are not denying that there must in some cases be even a modification and relaxation of the restrictions to meet their special case. For instance, we would never allow an ordinary commercial vessel to hover. It is very striking, as one goes through all this legislation, to see that this offense of hovering, which of course from the customs point of view is most dangerous,—a vessel coming along into territorial waters and not proceeding straight to a destination where she can be examined, but remaining outside where it is impossible for anyone continually to keep her under observation—you cannot have a revenue cutter always looking at her, so there she is hovering off the coast and at liberty to try to slip goods on shore whenever she gets a favorable opportunity, in which probably she will derive some assistance from the shore. So that the offense of hovering, strictly forbidden to the commercial vessel, is one which must be allowed to the fishing vessel.

August 31.

Fish That Carry Candles.

Some of the fish found at a depth of about 10,000 feet by a German deep sea expedition resembled the fossil species in the rocks of the Mesozoic era, when the earth's atmosphere was dense with carbon. These fish in many cases had special means of collecting light. Some possessed enormous eyes occupying nearly the whole side of the head and some were supplied with telescopic organs. Others carried their light on their heads in a manner similar to that of the glow worm.

Good Trip of Fresh Fish.

Sch. Ellen C. Burke, Capt. Joshua W. Stanley, which engaged in seining first of the season, withdrawing about four weeks ago from that fishing and engaging in shacking, arrived home today with a fine fare of 100,000 pounds of fresh mixed fish.

August 31.

MACKEREL AT NEWPORT.

Sloop Catspaw Landed 2200 Fish, Selling at 12 Cents Each.

A despatch to the Times from Newport, R. I., reports the arrival of sloop Catspaw, Capt. James Kelley, with 2200 mackerel, which sold at 12 cents each.

August 31.

ARRIVED FROM MAIDEN TRIP.

Sch. Elsie Brings Banner Handline Fare of Season.

It was quite a surprise to the habitués along the water front, as well as in fishing circles this morning, when the new sch. Elsie, Capt. William Forbes, sailed into the harbor from a dory handline trip, after being absent but three months and bringing in 325,000 pounds of salt cod, the second largest fare of this kind to be received at this port this season.

As the dory handliners have not done so well as usually this craft not being heard from was not expected home before October.

Capt. Forbes said he struck a good spurt of fish on St. Peter's bank and plenty of squid, and for ten days had all the fish they could take care of. The fish then struck off, besides a large fleet of French fishermen came on the bank but they were doing but little. Having used all his salt, he concluded to come home, discharge his fish and refit for another trip.

Capt. Forbes saw several others of the dory handliners, which had done nothing yet and they were going from Grand Bank to Quero bank. Squid did not appear to be a permanent fixture on the ground, for some days they would have enough for the dories to fish with, then they would strike off and not return for three or four days.

The fare of sch. Elsie is the largest with one exception landed here this season and one of the largest dory handline ever brought into this port. The skipper and crew speak well of the new craft and say her sea-going qualities surpass anything which they have ever sailed.

August 31.

MAN ATTACKED BY DOGFISH.

Latter Attempted to Eat Swimmer on Maine Coast.

Fred H. Molloy and John Wallace of New York have been cruising along the Maine coast for the past ten days in the motor boat Conqueror, which belongs to Molloy. Shortly after 4 o'clock Monday afternoon, while two miles off Dark harbor in Penobscot bay, they shut down the engine while Molloy went in swimming. Fifteen minutes afterward he was hauled into the Conqueror's tender by Wallace, with blood streaming from his body in a score of places.

He had been attacked by a school of dogfish that had commenced to devour him piecemeal.

Molloy had not been in the water thirty seconds when Wallace, who was reading, heard him yell. "Quick, for God's sake, come quick," Wallace jumped into the tender and rowed frantically toward Molloy, who just then disappeared beneath the surface, as though drawn under by a shark.

After three attempts, during which the boat was nearly capsized, Molloy, streaming with blood, was pulled aboard.

The rescue was barely in time. Molloy was brought to Bangor in the motor boat and a doctor said he will live.